Morning Oregonian.

VOL. II. PORTLAND, OREGON FRIDAY MORNING DECEMBER 19 1862. NO. 267

The Daily Oregonian.

HENRY L. PITTOCK,
Publisher and Proprietor

THE DAILY MORNING OREGONIAN is delivered every morning, (Sunday excepted) and furnished to subscribers in Portland at Twenty Five Cents per week payable to the carrier. It will be forwarded to any part of the State by Mail at $8 per annum in advance; $4 for six months; $2 50 for three months in advance.—Five lines (nonpareil) per week $1 50 Each additional five lines 50 cents.

THE WEEKLY OREGONIAN will contain a selection of the best articles in the daily will be published every Saturday morning and forwarded by mail to any part of the State at $3 per annum $2 for six months and $1 for three months, payable in advance.

Fronts street, over Hodge & Caleb's Drug Store

RICHARDS & McCRAKEN,
FORWARDING AND COMMISSION
MERCHANTS,
AND DEALERS IN
Flour, Pork, Bacon, Lard, Fruit,
SALT, LIME, CEMENT AND PLASTER,
Attend to the sale of Oregon Produce in the San Francisco Victoria and Portland markets also give particular attention to the purchase of Merchandise offered; keep constantly on the New York, San Francisco Victoria and Portland markets, and to forwarding goods in store, or to any of the above places

JAMES R. RICHARDS, 111 Clay street San Francisco
JOHN McCRAKEN Steamship Landing Front st Portland
Portland, July 6, 1862

HENRY LAW,
Commission Merchant
AND PRODUCE DEALER,
Next door to M. Mansfield's Auction House,
Front street, Portland.
FLOUR, FEED AND PRODUCE OF ALL KINDS constantly on hand and for sale
Also, a complete assortment of EASTERN and OREGON WAGON TIMBER for sale
Consignments of Produce solicited

HAMILTON & COULSON,
ATTORNEYS & COUNSELLORS AT LAW,
WILL practice in partnership in the Courts of Oregon and Washington Territory and United States District Court for Oregon
Our correspondents at San Francisco and East of the Cascades, give us facilities for COLLECTIONS which will receive prompt attention
Will NEGOTIATE LOANS secured on unincumbered real estate—debt titles Persons purchasing Real Estate will find it to their advantage to consult us before loaning, as we have an Abstract of Titles to Real Estate Mortgages and Judgment Liens kept up with County Records
Papers prepared and instructions given for perfecting claims under the Pre-emption and Donation Laws.
Office on WASHINGTON STREET, between First and Second streets.

GEO. W. CHAPIN & CO.,
Lower side of Plaza, near Clay street,
SAN FRANCISCO
EMPLOYMENT OFFICE, AND GENERAL AGENCY,
Furnish all kinds of help for Families Hotels, Farmers Mining Companies, Mills Factories, Shops, &c &c
Also, have a REAL ESTATE AGENCY and attend to all business in that line

ALEXANDER BUSWELL,
PRACTICAL BOOK BINDER,
Paper Ruler and Blank Book Manufacturer,
517 Clay and 514 Commercial streets,
Between Montgomery and Sansome,
SAN FRANCISCO.
Binding of every description neatly executed Blank Books Ruled and Bound to any desired Pattern

VANSYCKLE & TATEM,
Forwarding and Commission
MERCHANTS,
Wholesale and Retail Dealers in
GENERAL MERCHANDISE,
WALLULA, W. T.,
(Old Fort Walla Walla)
All Goods shipped to our care will be promptly attended to

CHAS. MONELL & CO.,
WHOLESALE AND RETAIL DEALERS IN
Groceries, Provisions
WINES, LIQUORS, CIGARS, etc.,
MAIN STREET
Dalles, Oregon.

ANDREW M. SHARKEY,
HOUSE, SIGN & STEAMBOAT PAINTER,
Glazier and Paper-Hanger
SHOP ON FIRST STREET One Door North of McQuiddy's Furniture Shop

DR. J. G. GLENN,
DENTIST,
CAN NOW BE FOUND AT HIS OFFICE IN Portland, fully prepared with a large assortment of superior Dental Materials to execute with neatness and dispatch all operations in his line which he may be called on to perform at reasonable rates
Jan 2 1862 dtf

F. CIORCIANI & CO.,
Dealers in All Kinds of
Produce & Groceries,
WHOLESALE AND RETAIL
Oregon & California Vegetables,
By every Steamer and at Low Market Rates
FIRST STREET,
Next Door to the Portland Market
We will pay Cash for all Country Produce from Vegetables etc

To Steamboat Men.
THE undersigned would respectfully give notice that any parties wishing to purchase
Spruce Knees,
for SHIP and STEAMBOAT BUILDING also
The Best Quality of Oak Timber
for STEM and STERN POSTS, DEADWOOD etc. supplied on the most reasonable terms by applying to
JOHN BRUCE
JOHN WEST
nov20-1m* at Westport Mills Columbia River

EX STEAMSHIP LINE!
GOV BURNES of the IDENTICAL SALOON is constantly in receipt of the choicest
WINES, LIQUORS, AND CIGARS,
Per arrival of each steamer from San Francisco
Sept 5 1862 dtf

U. S.
Assessor's Office,
51 FRONT ST., Up-Stairs

BUCHTEL & CARDWELL'S
PHOTOGRAPHIC GALLERY
FIRST STREET IN SHELBY'S BUILDING

HURGREN & SHINDLER.

First st., Cor. Salmon,
PORTLAND,
DEALERS
AND
MANUFACTURERS
OF
FURNITURE AND BEDDING,
WE ARE NOW RECEIVING LARGE ADDITIONS TO our Stock consisting of—
Elegant Styles of
PARLOR & BEDROOM SETS,
DINING ROOM AND
Common Household Furniture.
GILT ROSEWOOD and MAHOGANY FRAMED
Looking-Glasses
GILT MOULDINGS, from 5/8 to 4 1/2 inches
Upholstery Goods!
PLUSH HAIR CLOTH, GIMP
Pulu, Hair, Moss, Feathers, Excelsior
OAT STRAW, for beds for sale
Spanish Cedar,
Black Walnut and
St. Domingo Mahogany Lumber.
Veneers, Glue.
Iron Bedfastenings.
GOODS OF ALL KINDS ON HAND, packed in cases for shipping
PULU IN BALES, from 25 to 100 lbs
Every description of
FURNITURE MADE TO ORDER.
Upholstery Done
in the most thorough manner
SPRING BEDS
of the most improved kind always on hand
oct7-3m First street, corner of Salmon.

PIONEER
LIVERY AND SALES STABLE
and Feed Store.
Corner of Morrison and Second streets,
HAVING JUST MADE MATERIAL ADDITIONS TO the stock of Riding and Driving Horses, together with a large supply of Silk Saddles, Bridles, Whips, Spurs, Saddle Cloths, Martingales, Collars, Halters, Curry Combs, Brushes, Horse Blankets, and all articles pertaining to their line
SADDLE HORSES,
Thoroughly trained and kind for the most timid or the most skilful riders
Single Horses and Buggies,
Double Teams and Rockaways
Parties supplied with safe and gentle teams, single or double, for visiting either in the City or Country
Careful drivers will be furnished when required
Horses taken on livery by the day or month
Money will be received on deposit left for safe keeping
Orders for the purchase of animals promptly attended to
FEED OF ALL KINDS by the wholesale and retail
BENNETT & QUIMBY Proprietors
aug2-3m Corner Morrison and Second streets

OREGON
State Insane and Idiotic Asylum
DRS HAWTHORNE & LORYEA,
Physicians and Proprietors
IN PURSUANCE OF A LAW PASSED BY THE PRESENT Legislature of the Assembly of the State of Oregon, this Asylum is now open for the reception of patients
The building is well located, well furnished and well arranged, and the Asylum is now under the charge of the undersigned, who have had many years experience in the treatment of the Insane
THE INDIGENT WILL BE SUPPORTED AT THE EXPENSE OF THE STATE and all others will be charged at reasonable rates
Patients will be received at the Asylum, or application may be made to
Drs HAWTHORNE & LORYEA
Superintendents of the Oregon State Insane Asylum
Portland Multnomah Co Oct 10 '62 dtf

PORTLAND
Select Boys' School.
Cor. Oak and Third streets.
Rev. J. MACKAY Superintendent
Miss J. BIDDLE Principal
THE SECOND TERM of this school will commence on Monday the 25th inst.
Mr. McBride will continue to give instruction in Mathematics, Natural Philosophy, Chemistry, Astronomy, Book-keeping, Surveying, Navigation, Geometrical Drawing, Perspective, Mechanical Drawing, Architecture, Civil Engineering, Mensuration, Gauging, Practical Mechanics, Steam Engine, Land Surveying, Levelling, Trigonometry, Conic Sections, Analytical Geometry, Differential and Integral Calculus, Mechanical Philosophy, Astronomy, Navigation, Nautical Astronomy, Theoretical Mechanics, Analytical Mechanics, Celestial Mechanics, Physical Astronomy, Theory of Light, Theory of Heat, Theory of Electricity, Theory of Magnetism, Theory of Universal Gravitation, Theory of Sound, Theory of Capillary Attraction, Theory of Elasticity, Theory of Fluids, Theory of Gases, Theory of Vapors, Theory of Steam, Theory of Water, Theory of Air, Theory of Earth, Theory of Fire, Theory of Metals, Theory of Minerals, Theory of Plants, Theory of Animals, Theory of Man, Theory of Society, Theory of Government, Theory of Religion, Theory of Morals, Theory of Education, Theory of Art, Theory of Science, Theory of Literature, Theory of Music, Theory of Painting, Theory of Sculpture, Theory of Architecture, Theory of Poetry, Theory of Prose, Theory of Drama, Theory of Novel, Theory of Romance, Theory of Epic, Theory of Lyric, Theory of Ode, Theory of Sonnet, Theory of Ballad, Theory of Song, Theory of Hymn, Theory of Prayer, Theory of Worship, Theory of Faith, Theory of Hope, Theory of Charity, Theory of Love, Theory of Friendship, Theory of Marriage, Theory of Family, Theory of Home, Theory of Country, Theory of Nation, Theory of World, Theory of Universe, Theory of God.
Terms $5 per month
Reference is kindly permitted to Messrs Ladd & Tilton Messrs A. Loryea & Co Messrs A. Noble & Co Messrs Corbett & Ainsworth Messrs Allen & Lewis Messrs Failing & Co Messrs Ankeny & Co Messrs Starr & Co Messrs Wilson & Co Messrs Smith & Co Messrs Jones & Co Messrs Brown & Co Messrs Green & Co Messrs White & Co Messrs Black & Co Messrs Gray & Co Messrs Hall & Co Messrs Lee & Co Messrs Parker & Co Messrs Cook & Co Messrs Bell & Co Messrs Fox & Co Messrs Hill & Co Messrs Reed & Co Messrs Scott & Co Messrs Young & Co Messrs Davis & Co Messrs Miller & Co Messrs Taylor & Co Messrs Wright & Co Messrs Adams & Co Messrs Baker & Co Messrs Clark & Co Messrs Evans & Co Messrs Foster & Co Messrs Gibson & Co Messrs Harris & Co Messrs Irving & Co Messrs Jackson & Co Messrs King & Co Messrs Lewis & Co Messrs Morris & Co Messrs Nelson & Co Messrs Owen & Co Messrs Perry & Co Messrs Quincy & Co Messrs Reynolds & Co Messrs Stevens & Co Messrs Thompson & Co Messrs Underwood & Co Messrs Vance & Co Messrs Walker & Co Messrs Young & Co
dm

News from Powder River Mines.
P. H. WILLIS BEN. TOWERS
WILLIAMS & TOWERS,
Wholesale, Retail
Storage & Commission House,
Corner of
FRONT AND ASH STREETS
PORTLAND, OREGON
Having just erected a large and commodious Warehouse we are now prepared to receive and store Produce and Merchandise of every description
Warehouse receipts will be issued for all property stored with us
Liberal cash advances made on consignments to this market
Reference is kindly permitted to Messrs Mosman & Co Messrs A. Noble & Co Messrs Corbett & Ainsworth
dm

NEW GOODS
LOW PRICES!
Great Attraction at
HARKER'S,
Opposite Commercial Wharf,
FRONT STREET PORTLAND
We are daily receiving from MERCHANTS TRANSMITTER Forks Washington Territory Boise River and the Mines a full and complete assortment of
Himmalaya Lustres,
French chintzes,
French challies,
Being now (every) Day opening
SPRING STOCK,
Paris Organdies,
Alma crossovers,
London Fancy Goods,
New Style DeLaines,
Rich Lawns,
Mixed Madonnas,
&c., &c.
LATEST PARIS FASHION OF
SPRING BONNETS.
Low Priced Lustre Alpaca
Fine Black Lustres
Extra Style of Stella Shapes
Rich Alma DeLaines
Fine Challis
Rich Green Brocade and Drab Silks
High Lustred Cords and Rhics,
New style Mantillas
Paris Printed Jaconets,
Linen Cambrics
Rich Bridal Silks
Mourning Goods
Clean cottons &
Ladies' and Misses' French Flats.
UNSHRINKABLE BALLARD VALE FLANNELS
WHITE ROCK AND PETTICOAT BLEACHED SHEETINGS
BOSTON Celebrated WAMSUTTA and Bleached
New Styles Oil Cloth.
Three-Ply & Brussels Carpeting
Byrkins Frock Cloth Frock Coats
Lining and French Doeskin Pants
Jewett and Root's Silk Velvet Vests
New York Broadway style of Business Suits
Paris Style of Raglans
Broadway style of Spring Coats
Harris Fancy Mixed Cassimere Pants
New style Silk and Marseilles Vests,
Boys and Youths latest styles of Black Hats
Navy Caps also a new lot
Washington, Napoleon and Wellington Neck Ties
Davis & Jones Patent Yoke Shirts
Little Boys French Cloth Jackets and Jerseys
New Style Oilcloth and Check Matting
Heavy C S Blotter and Raven Duck A
BOOTS SHOES & HEAVY BROGANS
Together with a Full Assortment of
Heavy Goods, suitable for Miners
Also a fresh supply of the Choicest Brands of
GROCERIES,
consisting of the best
100 BAGS RIO COFFEE.
100 bbls strictly Prime N O Sugar
50 half bbls and Drip Island Sugar
50 half bbls San Francisco Crushed Sugar
100 mats No 1 China Sugar
150 kegs East Boston and Golden Syrup
100 chests Imperial and Young Hyson Tea
250 chests Black Oolong Tea
50 cases Japan Tea
100 boxes Virginia Tobacco
100 boxes Half Pale Soap
100 cases Mould Starch
50 cases Chocolate
60 cases Saleratus
100 cases Carbonate Soda
100 cases Ground Ginger
25 cases Mustard
100 cases Cloves Cream Tartar
All of which we will sell for
Wholesale or Retail
AT SAN FRANCISCO PRICES
TERMS CASH AND ONE PRICE!
No Goods misrepresented to effect sales and no abatement in Prices
HARKER BROTHERS.
Portland April 19 1862

JOHN R. FOSTER & CO.
Front St., Portland,
ARE NOW RECEIVING AND OFFER FOR SALE A full assortment of
SHELF AND HEAVY HARDWARE,
MECHANICS' AND
MINING TOOLS,
—CONSISTING OF—
SHOVELS Long and D Handled
SPADES
SLUICE FORKS and BRUSHES
WRIGHT'S SAC MADE MINING PICKS
COLLINS' MINING PICKS new pattern
MANILLA ROPE from 1 to 2 inch
HUNT'S AXES Polished and Plain
HICKORY PICK and AXE HANDLES
OX YOKES and BOWS
WHIP, CROSS CUT and MILL SAWS
CROW BARS—Steel,
MINING and FERRY PANS,
COFFEE MILLS
NAILS all sizes &c &c
To which we will always assure our customers the
SHELF AND HEAVY GOODS
market at all times will afford
Persons in the country wishing to purchase will find it to their interest to call on us before purchasing elsewhere as we are determined to sell at such prices as cannot fail to give satisfaction
JOHN R FOSTER & CO
NONPAREIL SALOON,
Main Street
Olympia, W. T.
A large and well assorted stock of WINES LIQUORS CIGARS and TOBACCO always on hand
The BILLIARD TABLE is a la FOWLER
ALLEY connected with the Saloon
Olympia W T Nov 12 '62 dtf

HARPER'S LEGLEY and NEW YORK HOTEL
Third Street between F and G
Portland Oregon
CHARLES HARRETT Proprietor

Notice!
THE undersigned having purchased the TICKET and Baggage Office of the OREGON STEAM NAVIGATION COMPANY at the Office of the Company on Front street, between Washington and Stark streets, is now prepared to sell Tickets to all points in the Atlantic States, Europe and California, at the lowest rates
THOMAS MYERS

CITY BAKERY
AND
PROVISION STORE
R. PITTOCK,
Corner of Elliott and Morrison Sts.
NO 9 NORTH FRONT STREET,
Where will be found a full assortment of
BREAD,
Butter, Water, Sugar, Boston and Soda
CRACKERS,
PILOT BREAD, PIES, CAKES, &c.,
and dealer in
STEAMBOAT AND SHIP STORES,
FAMILY GROCERIES,
FEED FRUITS VEGETABLES &c, &c
Bread will be delivered to any part of the City
Orders from a distance will be promptly attended to
Flour and Feed will be conducted STRICTLY ON THE CASH PRINCIPLE

DR. W. KOEHLER,
Surgical & Mechanical Dentist,
Deutscher Zahnarzt,
TAKES pleasure in informing the citizens of Portland and vicinity that he has permanently located himself in this city, where he will perform all the various branches of the profession in the most complete manner and in the shortest time consistent with thorough work ARTIFICIAL TEETH inserted on gold plates, and upon the following principles
GOLD PLATINA SILVER RUBBER AMBER and CORALITE BASE
Extraction of Teeth by this method is entirely painless
Persons having lost their teeth by this method will have the advantage of being enabled to masticate their food with the same ease as with their natural teeth
Those wishing to have operations performed in their dwellings will please call at the office and leave their orders
Persons of Physical and Pecuniary disabilities can have their work done at reduced rates
Office on WASHINGTON BRICK BUILDING first floor up stairs corner Main (on the) and Front streets Portland Oregon

Livery & Feed Stable
AT OREGON CITY.
THE undersigned has purchased the stable property on Main street between Main and Water near Hall's Hotel Main Oregon City and the Oilson & Foster Livery Stable would inform the public that the stable is now open where are kept
Gents' and Ladies' Saddle Horses,
BUGGIES AND HORSES
And Feed of all Kinds,
all reasonable terms Also
A LARGE WAGON SHED.
In connection with the stable I will endeavor to keep a good assortment of Groceries and Provisions which may favor me with their custom will find it to their interest to call as I will sell as low as can be had in the city
Oregon City Oct 1862 dtf

WEEKS, GILMORE & CO.,
EMPIRE MARKET,
S E Corner of Washington and First Sts.,
PORTLAND OREGON
HAVE SUPERIOR FACILITIES FOR Receiving daily the wants of the trade
CHOICE
BEEF, PORK, MUTTON, BACON,
HAMS, &c.,
All parties can depend upon receiving from us
Orders will be filled with
Where we will be found until 9 A M
Portland Nov 1862

E. KAMMER,
WATCHMAKER AND JEWELER.
E. KAMMER would respectfully announce to the citizens of Dalles and vicinity that he has opened a shop in the most central part of the town
Entire Satisfaction Guaranteed.
Watches Clocks Jewelry &c
Repaired
BANNARD'S MUSIC STORE First street Dalles
Also TEACHER OF THE PIANO FORTE Lessons at Music given at their residence if desired
Orders left at the Music store will receive prompt attention
E. KAMMER
DALLES CITY DALLES CITY

H. P. ISAACS,
Forwarding and Commission
MERCHANTS,
Stone Fire-Proof Warehouse,
Three doors from the Oregon Steam Navigation Company's Office
Portland

NEW MUSIC,
MUSIC BOOKS,
Musical Merchandise
of all kinds for sale by
E. G. RANDALL,
First door in Post Yard

Rooms to Rent.
TWO ROOMS IN THE BRICK BUILDING on the corner of First and Stark streets recently occupied by A. CAIN & CO will be rented low to a good tenant
Apply at
WHITE & PRO
Portland Sept 12 dtf

H. W. EDDY & CO.'S
STANDARD MILLS FLOUR,
Best Article in Market,
FOR SALE IN LOTS TO SUIT, by
HENRY LAW.

TRACY & CO.'S
Oregon Express.
Parties in Walla Walla, Lewiston, Colville, Victoria, Nanaimo, Cowichan, Nanaimo, Victoria, Port Townsend, Seattle, Olympia, Monticello, Astoria, Portland, Oregon City, Salem, Albany, Corvallis, Eugene City, Oakland, Roseburg, Canyonville, Jacksonville, Sidemans, Weaverville & Scott's Bar, Jacksonville, C C Berryman, Yreka, Cal.
THIS EXPRESS will run regularly between the above points, connecting with the Express of WELLS, FARGO & CO at Portland
E. W. TRACY

WELLS, FARGO & CO'S
EXPRESS.
WELLS FARGO & CO HAVE ESTABLISHED their Express to
VANCOUVER CASCADES
DALLES WATERLA (Old Fort Walla Walla)
WALLA WALLA LEWISTON
FRONT CITY
ELK CITY and the SALMON RIVER MINES.
Also Colville and the Victoria and Nanaimo Coal Mines, from which points will reach Portland in from 10 to 12 days, with the exception of Colville, which will be furnished within 15 days. Letters and packages will be received at all the offices of the Company in the Atlantic States, and forwarded to the above points with the utmost dispatch. Those desiring to send for their friends in the East can purchase tickets at the office of the Company in Portland, and have them forwarded to any of the above points.
WELLS, FARGO & CO.
P. W. TRACY Superintendent
Portland Oregon

TRACY'S EXPRESS.
E. W. TRACY will run regular Express between PORTLAND JACKSONVILLE (with daily connections) and
OREGON CITY Chapman & Warren Agents
BUTTEVILLE E. N. Chapman
DAYTON W. Inman
LAFAYETTE M. Wyllie
SALEM Hall & Brown
ALBANY J. Conner
CORVALLIS H. Rex
EUGENE H. M. Hendricks
OAKLAND Lord Rogers & Co
ROSEBURG A. B. Flint
CANYONVILLE Sidemans, Weaverville & Scott's Bar
JACKSONVILLE C. C. Berryman
Office at E. W. TRACY'S

MERCHANT'S
TRANSPORTATION
LINE.
THE NEW LOW WATER BOAT
SPRAY,
P. W. BRAUGHMAN Captain
FROM DESCHUTES,
DIRECT FOR LEWISTON
Will also
Land Freight and Passengers
AT
GRAND RONDE LANDING
UMATILLA LANDING,
WALLULA,
And all other points on COLUMBIA or SNAKE River
For Freight or Passage apply to P. W. GOFF Agent Dalles
or on board the Steamer at the Wharf
J. W. CORBETT,
Portland
Portland Oct 3d 1862
N B—ALL GOODS MARKED CARE OF WOOD, Dalles will be received and Freight from Portland collected on the same
FOR FREIGHT OR PASSAGE
THE OREGON STEAM NAVIGATION CO. S STEAMER
William Kenna the COLUMBIA RIVER as follows
THE STEAMER
JULIA,
Will leave PORTLAND every
Monday, Wednesday and Friday,
at 6 A M connecting with the Steamer
IDAHO,
MONTEITH Commander
At the CASCADES
For DALLES CITY,
Arriving same day.
NEW STEAMER
TENINO,
WHITE Commander
Will leave DESCHUTES for
WALLULA,
EVERY TUESDAY,
Returning leaves Wallula every Thursday at 6 A M
Passage from Portland to Dalles $8 00
Freight at Cascades extra 6 00
Animals from Portland to Dalles 15 00
Passage from Deschutes to Wallula 15 00
NO EXTRA CHARGE FOR MEALS
Aug 25 1862 dtf J. AINSWORTH Agent

U. S. Mail Line!
FOR MONTICELLO, ASTORIA AND OLYMPIA.
PERMANENT ARRANGEMENT!
COWLITZ,
Olson Commander.
WILL leave Portland every morning at 7 o'clock for Monticello
The steamer *Belle* Capt Downey will leave Monticello for Astoria every Monday and Thursday on the arrival of the Cowlitz
Passengers forwarded to Olympia every day at two o'clock from Monticello via Scappoose
Passengers taking the Cowlitz on Saturday will arrive at Olympia in time to connect with the steamer *Eliza Anderson* for all way ports on the Sound and Victoria every Monday morning
Fare to Astoria $6 00
Oct 2 1862 dtf
ABERNETHY & HERR,
COMMISSION AND FORWARDING
MERCHANTS,
PORTLAND OREGON
Flour, Grain, Mill Feed, Hay, Fruit,
Kinds of Lumber
AGENTS FOR THE SALE OF OAK PLANK AND TIMBER
Office on Knott's Wharf foot of Taylor st
PORTLAND

CARPETS. CARPETS. CARPETS
H. J. M. TROUTT,
Corner of Front and Yamhill ESTABLISHED
Pioneer Carpet Store
FRONT STREET, OPPOSITE THE POST OFFICE,
Where he is receiving and daily replenishing his stock with
NORWICH THREE PLY BRUSSELS AND
VENETIAN CARPETS,
Of the Last and Latest Styles
MATTING AND OIL CLOTHS,
of all widths and qualities
SATIN AND GLAZED
WALL PAPER
Bordering, Window Shades,
Curtains, Cornices,
Rugs, Door Mats,
and every thing else to be found in a first class Upholstery establishment
My long experience in the line of business and the unprecedented success which has attended my efforts to please my customers during the past year, encourages me to say that I am determined not only to sell cheaper than the cheapest but to WARRANT EVERY ARTICLE sold to be exactly as represented
Ladies and Gentlemen are invited to call and convince themselves
Don't forget the
Pioneer Carpet House,
Opposite the Post Office Portland
my1-3m H. J. M. TROUTT

Steam Baths!
THE undersigned would respectfully announce to the public that he has added to the well known BATH ESTABLISHMENT a
Steam or Vapor & Sulphur Bath
FOR THE CURE OF
COLDS RHEUMATISM, NEURALGIA, &c
MERCURY and all other MINERAL POISONS are by the means of us of all kinds removed from the system
The manner of taking the application of these Baths is the most simple and unobtrusive imaginable and can be continued and repeated to be a CERTAIN CURE for the most complicated cases and others of the same kind
This new Bath can be had by calling at the
METROPOLITAN BATHS,
South side of Washington street,
Between Front and First streets
CHARLES VIRGAND Proprietor
Portland Oregon Nov 10 1862 dtf

CITY HOTEL,
Corner 2d and Taylor streets,
PORTLAND OREGON
THE ABOVE HOUSE having newly and elegantly furnished and upholstered, the attention of the public is respectfully called to the same.
The Sleeping Apartments are under the immediate supervision of an experienced Lady, and the public may depend upon clean comfortable beds
Rooms for the accommodation of families
The Table is furnished with the best the market affords, and served up in the best manner
The proprietor will spare no means to make all comfortable who may favor the house with their patronage
Prices to suit the times.
CHAS M HARDING Propr
Nov 14th 1862 dtf

PACIFIC HOTEL
AND RESTAURANT.
[Formerly Pacific House]
Olympia, W. T.,
THE undersigned having leased for a number of years the above well known and deservedly popular hotel and restaurant the former patronage of the Restaurant and the traveling community in general will be retained by having THOROUGHLY RENOVATED the establishment and furnished the same with entirely new furniture from basement to garret showing the house prepared to entertain guests in greater comfort and in a more accommodating manner than can be done at any other house in the place
The house will be kept on the Restaurant principle,
Meals at all Hours, Day or Night.
Having leased the Cottage next door, formerly occupied by Dr Wait a large number can be accommodated with lodging good clean beds, and well ventilated rooms
Give us a call and satisfy yourselves of the truth of the above
REBECCA HOWARD

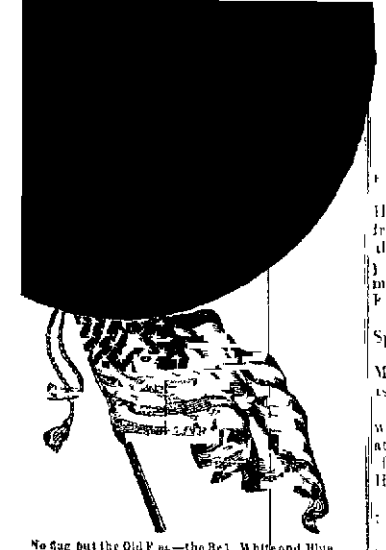
MILLINERY GOODS.
MRS. CHARLES MONELL having just received from San Francisco a large assortment of
Fashionable Millinery Goods,
of the LATEST RICHEST and MOST FASHIONABLE STYLES, would respectfully invite the Ladies of the
DALLES
and vicinity to call at her store on Second street above Main and Woods Warehouse
Nov 1862 1m

DENNISON HOUSE,
Formerly Metropolis Hotel,
Cor. of Front and Stark Streets
PORTLAND OREGON
THIS HOTEL is now open for the reception of guests and will be conducted on the European plan
First class in every respect
KINNEY & QUIN
April 5th 1862 dtf

MINER'S RETURN
SALOON.
Corner of Salmon and Front streets,
LEWIS MANNING Proprietor
THIS SALOON IS NOW OPEN Everything is new and the Proprietor is determined to keep it so Connected with the Saloon is a Restaurant which will be attended at all hours
LEWIS MANNING
Portland March 1862 dtf

UNION HOTEL!
Corner First and Yamhill Sts.,
PORTLAND.
MEALS,
25 Cents!

NOTICE.
ALL persons having claims against the Regiment of Oregon Cavalry Volunteers



No flag but the Old Flag—the Red White and Blue
With the stars of a United Union shining true
Arise and defend the laws of the land
Whose blood bought it that law must save

FRIDAY MORNING DEC 12 1862

The President s Message

The copy of the President s Message which is laid before the readers of the *Oregonian* is evidently full of errors We have endeavored to give it the plainest reading possible by comparing the copy which came overland on Wednesday and that received by steamer in the evening of the same day The first was the Message as transmitted by telegraph to Yreka and the other is that sent from the Associated Press of California

The first topic of special importance on which Mr Lincoln touches is the currency question He proposes to give the United States notes in charge of the corporate Banking institutions to be circulated by them The banks are to give United States bonds as security for the amount of the notes entrusted to their charge They are to redeem these notes, with gold on presentation The expense of preparing the notes is to be taken from the interest which bonds deposited by the banks may draw It is questionable if the banks will take United States notes and circulate them unless they are made receivable for all dues to the Government, for they would be certain to be returned by the holders whenever gold was needed to pay imposts or to settle demands from abroad On this account, the banks could not keep them in circulation long enough to profit by the use of them The scheme properly elaborated may be made to answer the end proposed

The figures in the Message may or not be correct, and in consequence any use of them is superfluous The telegraph is not reliable in this particular, and we postpone any notice of the financial statements of the Government until the printed copy from the Atlantic side is received

The President thinks that there was a general confederation of all the Indians north of the Missouri and west of the Mississippi with the object of attacking the whites He proposes to re-model our Indian system

The proposition to widen and deepen the Illinois and Michigan and the Erie canals may be a military necessity If so, the recommendation to that effect is eminently just and proper For the same reason, the earnestness shown in regard to the Pacific railroad should be hailed, by all classes, with pleasure

The most singular the most original, and at the same time the most practical part of the Message, is that which relates to emancipation Of the intention to declare all the slaves free, on the 1st of January, 1863 not a word is said in the Message, but the Emancipation Proclamation is submitted to Congress, with the other executive documents He proposes three amendments to the Federal Constitution, containing his ideas in regard to the justice and economy of emancipation He assumes that, if the discordant element of slavery is removed from amongst us, the progress of the nation will be accelerated The South is no more responsible for the existence of slavery than the North If the negroes are liberated, it should be at the common charge of the North and South Negroes who have escaped by the chances of war should not be paid for, except those of loyal ists Arrangements should be made to colonize them Each State may adopt its own system of emancipation if the completion of it shall be before the year 1900 It is easier to pay the interest on the value of the slaves set free until the emancipation of the black race is complete than it is to pay the money as emancipation advances This, however, is merely a question of nuances It is cheaper to buy the negroes than it is to fight for their freedom to say nothing of the saving of precious lives, and the injustice of taking them without compensation

We notice, among our exchanges, a disposition to be witty about Honest Abe s style of composition No allowance is made for the errors of the telegraph One paper, directed by an alien of English birth, says that if a man reads the Message from beginning to end, he cannot express himself on any topic for two days afterwards without appearing to mean exactly the opposite of his intention Flippancy of this character may be tolerated in San Francisco where the first requisite of a Union editor is that he shall be a foreigno spy and a secessionist but in this quarter of the world it will require something more than a sneer to destroy the confidence of the people in Mr Lincoln s ability This State is now represented in the United States Senate by men who spring from the same rank in life in which Mr Lincoln was born They like him have been laborers in the field and at the bench, and like him they owe all they have, and are to, their own exertions It is nothing more nor less than contemptible to throw the educational deficiences of a man in his face when his written productions contain what is of value in itself

A newspaper correspondent says that Olympia would be a respectable place, if it were not for the annual gathering of the Washington legislature at that place and the presence of the Federal officials

From Olympia

Olympia Dec 5th

The first Monday in December having arrived, and the requisite number of members of the Legislature having met at the Capitol, pursuant to the provisions of the Organic Act, the House was called to order by the Clerk of the last House, Mr Sparks, at 12 o clock M

The roll was called, and the following gentlemen answered to their names Messrs Smith of Clarke, Chapman, Wallace, Wallace, Lenox, Bachelder, Lander, Lander, Chapman, Chapman, Chapman

The Daily Oregonian.

IS PUBLISHED EVERY MORNING

No flag but the Old Flag,—th Red White and Blue
With the stars of a United Union and True
Arms and defend it to the death or the trees
Whose blood bought the heritage we all possess

FRIDAY MORNING DEC 12 1862

The President s Message

The copy of the President s Message which is laid before the readers of the *Oregonian* is evidently full of errors We have endeavored to give it the plainest reading possible by comparing the copy which came overland on Wednesday, and that received by steamer in the evening of the same day The first was the Message as transmitted by telegraph to Yreka, and the other is it was sent the Associated Press of California

The first topic of special importance on which Mr Lincoln touches is the currency question He proposes to give the United States notes in charge of the corporate banking institutions to be circulated by them The banks are to give United States bonds in security for the amount of the note entrusted to their charge They are to redeem those notes, with gold, on presentation The expense of preparing the notes is to be taken from the interest which bonds deposited by the banks may draw It is questionable if the banks will take United States notes and circulate them, unless they are made receivable for all dues to the government, for they would be certain to be returned by the holders whenever gold was needed to pay imposts or to settle demands from abroad On this account, the banks could not keep them in circulation long enough to profit by the use of them The scheme, properly elaborated may be made to answer the end end proposed

The figures in the Message may or not be correct, and in consequence any use of them is superfluous The telegraph is not reliable in this particular, and we postpond any notice of the financial statements of the Government until the printed copy from the Atlantic side is received

The President thinks that there was a general confederation of all the Indians north of the Missouri and west of the Mississippi, with the object of attacking the whites He proposes to re-model our Indian system

The proposition to widen and deepen the Illinois and Michigan and the Erie canals may be a military necessity If so, the recommendation to that effect is eminently just and proper, For the same reason, the earnestness shown in regard to the Pacific railroad should be hailed, by all classes, with pleasure

The most singular, the most original, and at the same time the most practical part of the Message, is that which relates to emancipation Of the intention to declare all the slaves free, on the 1st of January, 1863 not a word is said in the Message, but the Emancipation Proclamation is submitted to Congress, with the other executive documents He proposes three amendments to the Federal Constitution, containing his ideas in regard to the justice and economy of emancipation He assumes that, if the discordant element of slavery is removed from amongst us, the progress of the nation will be accelerated The South is no more responsible for the existence of slavery than the North If the negroes are liberated, it should be at the common charge of the North and South Negroes who have escaped by the chances of war should not be paid for, except those of loyal rebels Arrangements should be made to colonize them Each State may adopt its own system of emancipation, if the completion of it shall be before the year 1900 It is easier to pay the interest on the value of the slaves set free until the emancipation of the black race is complete, than it is to pay the money as emancipation advances Thus, however, is merely a question of finances It is cheaper to buy the negroes than it is to fight for their freedom, to say nothing of the saving of precious lives, and the injustice of taking them without compensation

We notice, among our exchanges, a disposition to be witty about Honest Abe s style of composition No allowance is made for the errors of the telegraph One paper, directed by an alien, of English birth, says that, if a man reads the Message from beginning to end, he cannot express himself on any topic for two days afterwards without appearing to mean exactly the opposite of his intention Flippancy of this character may be tolerated in San Francisco where the first requisite of a Union editor is that he shall be a foreign spy and a secessionist But in this quarter of the world it will require something more than a sneer to destroy the confidence of the people in Mr Lincoln s ability This State is now represented in the United States Senate by men who spring from the same rank in life in which Mr Lincoln was born They like him have been laborers in the field and at the bench, and like him they owe all they have, and are, to their own exertions It is nothing more nor less than contemptible to throw the educational deficiences of a man in his face, when his written productions contain that which is of value in itself

A newspaper correspondent says that Olympia would be a respectable place, if it were not for the annual gathering of the Washington legislature at that place and the presence of the Federal officials

From Olympia

Olympia Dec 8 1862

[illegible] Mr Rail Speaker of the House [illegible] his friends in the upper country will be sorry to learn that [illegible] quarter much longer enough to attend to the [illegible] interests of the Eastern district

The House met to-day at 10 o clock A M Speaker Reed in the chair

The Committee on Credentials reported Messrs Sanford Chapman and Wells Walla Walla county entitled to their seats

The gentlemen came forward and were sworn in by Supreme Judge Lynes Hon Wm Strong at the same time was announced the election of officers for the House when on motion the House adjourned

Nothing has been done towards organization on the part of the Council since our report

Mr Simms of Walla Walla arrived here on Saturday evening Here are now seven members of the Council present though no quorum has as yet met The absentees are Messrs Moore and Bledsoe of the latter perhaps will be in to night or to morrow It is said that as soon as Mr Bledsoe arrives the Council will proceed to organize The three prominent candidates for the Presidency are Messrs Clark Hubbs and Mallon neither of whom seems to have much advantage over the others the first until the arrival of one or more of the absent members the contest is not likely to be settled

We have had a little touch of the Oregon mist over here within the past few days but are again favored with beautiful sunshiny weather the atmosphere mellow and balmy as Spring Orion

Late Eastern News

FORTRESS MONROE Dec 5—Late Raleigh (N C) papers indicate a strong feeling of disgust with the war and a desire growing more prevalent for peace The village of Greenville in Pitt county, has been taken possession of by our forces

NEW YORK Dec 5—In the U S Senate yesterday Mr Clark offered the following resolution that the Senate and House cordially approve the policy of the President in setting free slaves in insurrectionary districts, as indicated in his 22d of September proclamation and recommend to him the employment of that and every other means known to civilized warfare to terminate the present rebellion and assert the supremacy of the President of the United States over the entire territory and people It was ordered printed

FORTRESS MONROE, Dec 5—We learn from those who have had opportunity of seeing for themselves, that Petersburg and the points along the route between there and Richmond are being fortified by digging rifle pits and throwing up strong earthworks Large forces are at work upon them day and night

FAIRFAX, Va, Dec 5 An arrival from Richmond reports that part of Jackson s force was at Madison Court-house last week

WASHINGTON, Dec 5.—The Committee on Ways and Means will probably hold a meeting to day to consider certain proposed amendments to the Tax law which are believed to be necessary for its successful operation

CHICAGO, Dec 5th —The Texas *Republican* of November 1st gives an account of the execution of 42 men said to have belonged to a secret society in the Northern part of the State the object of the Society being to surrender that portion of the State to the Federal authorities

PHILADELPHIA, December 6th —Fortress Monroe advices of yesterday announce the sailing of a fleet of several transport and two iron clads, with sealed orders Destination unknown

WASHINGTON, December 6th —It is stated on high authority that the President has no knowledge whatever of the statements contained in the New York *Tribune* of yesterday in regard to the proposals for peace from the Southern officials, neither has he received any communication from Fernando Wood on the same subject as stated by that gentleman in his speech at New York on Saturday last

NEW YORK Dec 6 —The rebel account of the capture of one of our gunboats in New river, telegraphed from Fortress Monroe three days since, was incorrect The fact was the gunboat *Ellis* went on the expedition up that river to Onslow, capturing the town and three vessels, and when returning, our vessel grounded and was fired on by the enemy To prevent her falling into their hands, the vessel was blown up, the commanding officer himself applying the match

NEW YORK, Dec 6 —Private advices from Mexico state that the French army cannot leave its present position for want of transportation, and that orders have been sent here for the purchase in the United States of 1,000 mules and harness and 500 wagons The army will not, therefore, move until this purchase is made

Miscellaneous Items.

Many of the Eastern papers have advanced their rates of subscription and advertising

Prince Napoleon has selected at Corsica a site for a bronze statue of Napoleon I which is to be made from pieces of artillery taken at Jena

Chevalier Halseman, Austrian minister intends taking up his residence in New York where for the past year he has resided most of the time

The St Paul (Minn) *Pioneer* calls Gen Pope a football of evil destiny the stick of an exploded sky rocket and a number of other hard names

The San Francisco *Bulletin* says that the quarrels among the Federal officials in Washington Territory are disgraceful The powerful leaders of the *Press* and *Standard* are spoken of by that paper as low slang

Prince John Van Buren says that Greeley shows his consistency in temperance man, by publishing three columns of advertisements for whisky shops When taken to task about it Horace said it was no time to talk about side issues

The pistols of Daniel O Connell were recently sold at auction in London With one of them in 1845 O Connell shot D Estarr An inscription inside the pistol case stated that D Estarr was promised £1 000 down and £1 000 for life by the Dublin Orangemen, if he killed O Connell The pistols brought £1 15s

WHITEWASHED —A Mr Brown was appointed to examine into the Victor Smith case, at Port Townsend Mr Brown examined Mr Smith s books and says Smith is all right It is very likely Smith s books are right whether Smith is or not The Steilacoom *Herald* does not think Smith is right and rather delicately hints that Brown is not exactly right himself There is another gentleman charged with the business of examining into this Victor Smith affair, and, it is reported should state that Smith is *not* right, we will have to have a third person to decide whether Smith is right or wrong

Assessments —An abstract of the assessment of the Assessment District No shows that there is a num of the U S Officials Dealers in Liquors Retail Manufacturers, Brewers Steamboats Ferryboats Slaughtered animals, & amount to $2 000 for each quarter which must be reported to the City This makes an addition of $8 000 per year or a total of $11,277 a year The following table shows the different trades businesses and professions for which licenses are taken out

Up the river, 5 Auctioneers 4 Brewers 5 Bankers 2 Billiard Rooms 6 Boarding Houses 12 Hotels 14 Lawyers 22 Livery Stables, 7 Manufacturers 28 Photographers 3 Physicians, 11 Wholesale Dealers in Liquors 8, Retail Dealers in Liquors 9 Wholesale Dealers in Goods and Merchandise 10 Retail Dealers in Goods and Merchandise 21 Wholesale Tobacconists 2 Retail Tobacconists 8

The National Tax for Assessment District No 1 is estimated at $582 20 a year.

NEW TO-DAY.

Corporation Notice.

Resolved by the Common Council of the City of Portland That it is deemed necessary that the ground on the north side of Front street between Taylor and Salmon streets be graded to the grade established and designated and as the height specified in the Table of proposed heights of grade of streets Plats & Surveys for grade as reported by the City Surveyor

Be it further resolved That the Committee on streets relating to the survey of grade be instructed to confer with the City Surveyor and direct him to make the necessary alterations and he report to the Council Chamber at the next session Call persons interested in the establishment of the city grade

Be it further resolved That the City Surveyor is hereby directed to report to the Board of Aldermen the foregoing resolutions together with Plats & Surveys of the above for 10 consecutive days

[illegible]

Streets	First	Second	Third	Fourth	Fifth	Sixth	Past Park	Past Park
Front								
Water								
Pine								
Oak								
Stark								
Alder								
Morrison								
Yamhill								
Taylor								
Salmon								
Main								
Madison								

Note —The figures indicate heights established basis for grade of Front street

Passed the Common Council Dec 11th, 1862

B HALLOCK
Clerk pro tem

Dec 12th]—4t

Amusements!

WILLAMETTE THEATRE!

For Four Nights Only

Monday, Tuesday, Wednesday, Thursday, Dec. 8th, 9th, 10th, 11th!

THE Largest and most Splendid Exhibition ever in America or Great

PAN-TECNA-THECA!

Of American Scenery and Voyage across the Atlantic Ocean showing, with startling truthfulness the

CITY OF WASHINGTON

With all its Public Buildings the Senate Chamber, the Hall of Representatives Presidential Palace &c. In fact the whole City

NIAGARA FALLS HUDSON RIVER, WHITE MOUNTAINS MAMMOTH CAVE, KENTUCKY,

Voyage across the Atlantic Ocean with

STORM AT SEA

The City of Liverpool City of London River Rhine Germany Scenery in Italy Ruins of Pompeii and Resurrection of Mt Vesuvius—on exhibition in London for two hundred and eighty consecutive nights

Elegant and Valuable Presents Given Away each Evening!

☞ For full particulars see bills of the day

TICKETS—Dress Circle $1; 1st 50 cts Children 50 cts

Doors open at 7 o clock Exhibition commences at 8

H H AYER Manager

An Exhibition for the Children

Will be given on Saturday afternoon at the Theatre

Doors open at half past one o'clock Performance to commence at two Tickets for children, 2 cents Ladies, 50 cents

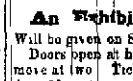
☞ A List of presents in the afternoon for the Little Folks

Dec 12th 1862 td

For San Francisco,

VIA VICTORIA

THE STEAMER



PACIFIC,

A. M. Burns Commander,

Will leave Portland on

Saturday Morning, December 13th,

at Ten o clock

For Freight or Passage apply to

ALLEN & LEWIS Agents

Holiday Notice.

Merry Christmas

AND

HAPPY NEW YEAR

THE undersigned have just received a fine assortment of

Clothing and Furnishing Goods,

comprising many articles suitable for Holiday Presents The attention of the Ladies in particular is called to some elegant

FRENCH CASHMERE DRESSING GOWNS just received from Paris making a very handsome and elegant present

Also —Extra fine Loose Coats Hem stitched Handkerchiefs

Some new styles Silk Ties Gloves Fine White Shirts Undershirts and Drawers Superior Kid gloves best in the market A complete assortment of Gents Furnishing Goods

CLOTHING

of every description

☞ Every article warranted as represented

LITTLEJOHN & CO

Clothing Emporium 67 Front st Portland

Dec12 1m Under the Russell House

Dissolution.

THE Law Firm of WILLIAMS CURTIS & HOFFMAN has been dissolved by mutual consent All debts due the late firm must be promptly paid to

T. F. WILLIAMS
A. CURTIS
H. J. HOFFMAN

December 1 1862. dec12w

Valuable Real Estate

FOR SALE.

I OFFER FOR SALE the following described property, situated on the corner of Front and Clay streets, in the city of Portland, Oregon Territory, and known as Block fifty nine (59) in the original plat of said city of Portland, according to the official plat and survey of Stansbury Former Proprietor of Multnomah Town Plat

Further particulars can be had at the Building on said Block

D. W. DAVIS

Portland Oct 9th 1862 dtf

For Rent or Sale!

A HOUSE AND ONE OR TWO LOTS on the corner of Congressional Church Enquire at

Portland Dec 10th 1862 dtf

Notice to Contractors.

SEALED PROPOSALS will be received at the office of the undersigned until 12 o clock M on THURSDAY the 18th day of December inst for the erection of a Court House and Jail for Multnomah County, Oregon Territory, according to plans and specifications to be seen at the office of the undersigned on and after the 1st day of December inst

Each bid must be accompanied by a bond with two sureties in the sum of Five Thousand Dollars (5 000) conditioned that the party bidding will enter into contract and give bonds in the sum of Ten Thousand Dollars (10 000) for the faithful performance of the same within ten days after the acceptance of his bid

The Commissioners reserve the right to reject any or all bids

By order of the Board of County Commissioners

JOHN B. TRUTCHER
County Clerk

Portland Nov 29th 1862 d18dec

U. S. Tax Notice!

THE UNITED STATES TAX [illegible] NOTICE is hereby given that [illegible] Law, My Office [illegible] Portland, Multnomah County, Oregon Territory, on the [illegible] day of December 1862 [illegible] Income Tax [illegible] Act of Congress [illegible] Income [illegible] Dollars [illegible] Tax [illegible] Act [illegible] Assessment

The Daily Oregonian.

CITY.

The MORNING OREGONIAN has a larger SUBSCRIPTION LIST than any other Daily published in this City.

FAVORS.—Our thanks re due to Mr M Cormick, of the Franklin Book Store, and Mr Barbydt, of the Post office News Depot, for a liberal supply of late Atlantic news and illustrated papers

FIRE LADDERS.—Mr Whitney, late Chief of the San Francisco Fire Department has purchased a full set of ladders for the Vigilant Hook and Ladder Company of this city They are of the manufacture of Albert Folsom, and highly finished

TO SAIL.—The steamer *Pacific* will depart for San Francisco, by way of Victoria, on Saturday, the 13th inst, at 10 o clock A M

DIPTHERIA.—The terrible malady known as diptheria, is prevailing to an alarming degree in this place It attacks children of from three to ten years more frequently than persons of any other age Unless taken in its incipiency it is almost sure to prove fatal to the class mentioned The danger of a fatal result to grown people is comparatively small. We recommend parents to call in medical advice at the first symptoms of the disease, as it yields readily to treatment in the first ten hours.

SWEET POTATOES.—Mr George Ganss presented us, yesterday, with a few messes of sweet potatoes of fine quality and large size which, when properly baked, were excellent Mr. Ganss informs us that he has plenty more of the same sort at his provision store, corner of Pine and First streets, also, fresh eggs butter, etc., etc.

PERSONAL NOTICES.—The San Francisco Evening *Bulletin* has a correspondent in Portland. This gentleman is entitled to be ranked as a humorist of more than respectable pretensions. His notice of the letters from a resident official to "My old friend Bag'ley," and "Mr. Lard, Dear Sir," are excessively funny. He has also, on many occasions given short personal sketches of leading publ men in this State No doubt they were all sufficiently truthful, and, to the reader, very entertaining. But the subjects of these notices do not think them so funny In fact, they think it is disagreeable, in some cases, to be snapped up, without being asked about it, and held up for the edification of newspaper readers in San Francisco or here No matter how good the general reputation of a man may be, he does not find much amusement in seeing himself as others see him, in the columns of a widely-circulated journal We put the question to the gentleman referred to as the correspondent, How would you like your biography to be published for the People to talk at? A word to the wise is as good as a wink of a bird to a blind horse, as Dundreary might have said.

Wells's Balsam Those who have used Dr WELLS'S BALSAM for Consumption, or any form of Throat Disease, can attest the superior efficacy of this Its health restoring and tonic qualities working subject to any reaction from Opium, or any preparations, is the true secret of its success General Agents for the Pacific Coast

REDINGTON & CO.,
415 and 416 Front street, San Francisco

Board of Delegates.—Regular Meeting of Board of Delegates of the Portland Fire Department on Monday Evening, 8th, 1862, at 7 P. M. T B TREVETT, Sec'y P F D

White's Patent Lever Trusses.—Those in need are recommended to the public as the best ever offered. The principle is new and different from any other. The Pad works over a Knuckle, giving it a circular INWARD and UPWARD motion, thus being able to support Ruptures with half the pressure required by other Trusses. The pain consequent upon heavy pressure is entirely avoided.

They will not rust, and are the lightest, most durable and most cleanly of all others They can be worn in bathing or exercise. Many persons have been cured by Whites' Trusses of several years standing

For sale by EDWARD HALL & CO
Wholesale Druggists,
528 Washington street,
San Francisco,
Sole Agents for the Pacific Coast

Notice.

THE OLD WHEAT-SHEAF WHISKEY BISQUIT, DE Witt, Rollin & Co., and Otard, Dupuy & Co's Cognac cannot be excelled in Portland, and can only be had of (genuine) the

CITY SALOON!
(No. 0, Alder street, Portland)
James Costello, Prop'r

Portland, Dec 9, 1862. dtf

SCHOOL.

J. H. ATKINSON'S
English and Classical School,
Will commence in the BASEMENT OF THE BAPTIST MEETING HOUSE
On Terms moderate.

Holiday Presents!

DO YOU want to buy a nice and appropriate Present? Call at
GOLDSMITH BROS.,
Where you will find the Largest and best Selected Stock of
Jewelry, Watches, Diamonds,
In the State!

Portland, Dec. 6th, 1862. dtf

WESTERN HOTEL.

Corner of Morrison and First streets.

S. SMITH..... Proprietor

THIS NEW AND SPLENDID ESTABLISHMENT is nearly completed, and will be opened for the reception of Lodgers in two or three weeks The Rooms are all large, and will be fitted up in the neatest and latest style.

The RESTAURANT connected with this Hotel is already open, and is under the immediate supervision of the Proprietor, whose long experience in the business in this city is a sufficient recommendation to the public.

Portland, December 3d 1862

FRESH VENISON and Fresh Salmon

AT
FARRELL'S MARKET,
Corner First and Alder sts.,

BEST IN THE MARKET Call early and get a supply Oct 25th, 1862. tf

Legal Tenders!

WE CONTINUE to take the Government Legal Tenders at par for Goods in our line

Dec 6th, 1862 dw BUTLER & HIRD Pioneer Hat Store

HODGE & CALEF,

WHOLESALE AND RETAIL DEALERS IN
DRUGS AND MEDICINES,
PAINTS, OILS,
WINDOW-GLASS,
WHITE LEAD, VARNISHES
Brushes, Painters' Materials, &c.
ALSO
CAMPHENE, KEROSENE COAL OIL
—AND—
Coal Oil Lamps.

WE HAVE NOW IN STORE AT THE LATEST INVOICES OF Goods in our line, which we would direct the attention of dealers to, at the lowest

Our extra facilities for purchasing, enable us to supply the
Best of Goods at VERY LOW RATES.
HODGE & CALEF,
Wholesale Druggists
Oct 15 1861 Front street, Portland, Oregon

PORTLAND
Plumbing, Gas & Steam Fitting
ESTABLISHMENT,
Front street,
OPPOSITE MANSION HOUSE AUCTION HOUSE

ON HAND AND CONSTANTLY RECEIVING FROM the East—
Cooking Ranges,
Hot Water Boilers,
COPPER TIN AND PLANISHED
Bath Tubs,
Square and Angular Bed & Wash it Counter Sunk
MARBLE-TOP WASH STANDS,
COLD AND HOT AND COLD
Water-Showers,
SILVER PLATED BASIN COCKS,
Marble Wash-Basins,
FORCE AND LIFT PUMPS,
Hydraulic Rams,
Non-Freezing Hydrants,
Water Closets,
&c., &c., &c.

☞ Persons wishing to introduce Cold or Hot and Cold Water into their premises either plain or ornamental, would do well to give me a call

Portland, August 3 1862 C. H. MYERS.

H. H BLACK,

DENTIST,
(Late from the Cincinnati College of Dentists,)
Office and Laboratory, No. 10, Alder street, Four Doors from Front, Portland, Oregon.

HAVING secured the services of Dr C H MACK, formerly of New York city and late of St Louis who is an experienced and skillful Dentist, I am now prepared to manufacture and insert Artificial Teeth by the following methods, namely: GOLD, SILVER, RUBBER, AMBER, PORCELAIN BASE GUM ENAMEL RUBBER, ATTACHMENT CUPOLITE, CONTINUOUS GUM MICA and ENAMELED PLATE Work. Some kinds of this work is recommended above all others and needs but an inspection to prove its superiority for cleanliness, durability and life-like appearance to any artificial teeth in use

Filling and cleaning teeth, and all operations in *Dental Surgery*, either *mechanical, operative or surgical*, performed in the most thorough and highly finished manner None but the most permanent and finished operations performed, and no inducements to patients by low priced or roughly finished operations I use no *cement* in filling teeth and seek in price to make no competition with *cheap* Dentists and desire the patronage of such persons only as wish their operations performed in the most *perfect* and *skillful manner*

Operations that fail to give satisfaction need not be taken or paid for Office hours from 9 A M to 4 P M Indigent persons who are unable to pay full professional charges will call before and after office hours nov4 tf

CHARLES H. MARCH,
WHOLESALE AND RETAIL
Candy Manufacturer,
NO. 518 KEARNY STREET,
Between Sacramento and California and 127 Second street, between Minna and Natoma,
SAN FRANCISCO

This is the only establishment that manufactures Candy in all its Branches

All Orders promptly attended to

Cartage Free to all parts of the City wharfage excepted. nov30 dw 1ms

New Supplies of

LADIES' AND CHILDREN'S SHOES and GAITERS;
LADIES' and GENTS' SLIPPERS
" RUBBER SANDALS and SHOES.
SAN FRANCISCO COFFEE SUGAR
BROWN and CRUSHED SUGARS,
BLACK, GREEN and JAPAN TEAS,
CROCKERY
SALEM CLOTHS and BLANKETS
BROAD CLOTH &c.,
Just received by
J WILSON,
Opposite Commercial Wharf

Portland, Nov 7, 1862

DR. BURTON'S
Balsamic Compound
FOR THE SPEEDY AND RADICAL CURE OF
GONORRHŒA AND
DISEASES of the URINARY ORGANS

THIS IS A REMEDY which requires no assistance it performs its duty quickly and thoroughly, leaving no injurious effect either to the constitution or to the part affected

It is the result of long experience and close observation in a great number of cases and has been invariably successful where other and old ones or treatment have failed this proving itself to be a remedy, long required by the public

Price $1 per Bottle

For sale by Druggists everywhere

☞ Sole Agent for the Pacific Coast,
CHARLES LANGLEY,
Wholesale Druggist,
340 Commercial street near Front street,
San Francisco

Another Supply

OF FINE FRESH
SHOALWATER BAY OYSTERS
just received by *Jenny Clark* at the
GEM SALOON,
C A BURCHARDT
This is the **Only House** in receipt of
Regular Supplies,
FRESH EVERY STEAMER oct2

Notice.

I HAVE THIS DAY SOLD MY WHOLE GOODS STOCK and Fixtures to Messrs. GOLDSMITH BROS., who will continue the business at the old stand

Portland, Jan 1st 1862 THEO. BURGHARDT

HAVING disposed of my entire stock of Goods to Messrs GOLDSMITH BROS., I would recommend them to my former customers and friends as gentlemen worthy of their confidence and patronage

Portland, Jan 1st 1862 C. COLLIER ROBBINS

At the Old Stand,
The undersigned will continue the
GOLD AND SILVER WATCHES,
a full assortment of
GOLD CHAINS,
Gold Rings, Pins,
Ear Rings and Lockets,
GOLD AND SILVER SPECTACLES,
DIAMONDS,
Set in fashionable settings,
Pure Silver and Silver Plated Wares,
CLOCKS,
CUTLERY,
NOTIONS & FANCY GOODS,
From the best Manufacturers,
and a full assortment of ware appertaining to our business

We have Superior Advantages
By Importing our Goods Direct
from Europe and the Eastern States and on the
INDUCEMENTS TO DEALERS
equal to any on the San Francisco Market

Watches and Jewelry REPAIRED,

—AND—
JEWELRY MANUFACTURED TO ORDER
We employ the BEST WORKMEN only, and guarantee all work done by us
GOLDSMITH BROS.,
Corner Front and Alder Streets
Portland June 16th 1862

We also announce to Merchants and Miners that we will carry on the

Assay Business,

for the Assaying of
Gold, Silver and other Minerals.

One of our firm being a PRACTICAL ASSAYER whose Bars are well known in the San Francisco Market persons will find it to their advantage to have their Dust assayed by us

WE GUARANTEE THE CORRECTNESS OF OUR BARS and will promptly pay differences occurring, between ours and the U S Mint assay

Depositors can also be present during the smelting, process of their Dust

THE HIGHEST PRICE PAID FOR
GOLD DUST
GOLDSMITH BROS.
Portland, June 20 1862

Paris and New York Fashions!

Millinery and FANCY GOODS,
At Wholesale and Retail, by
MRS. E. VAN FRIDAGH,
First street, between Morrison and Alder,
PORTLAND

MRS VAN FRIDAGH being thankful for past favors would respectfully call the attention of the Ladies and Dealers to her well-selected stock of
Millinery Goods
FOR THE FALL AND WINTER TRADE.
A LARGE ASSORTMENT OF OWN MADE BONNETS always on hand

Superintending the manufactory in her own workshop of everything in her line she feels confident of being able to give entire satisfaction to those patronizing her

Orders from the country promptly attended to
CLOAKS MADE TO ORDER.
Bonnets Bleached, altered and trimmed oct2

MEDICAL NOTICE.

DRS. J. C. HAWTHORNE and J. A. CHAPMAN have formed a copartnership for the practice of MEDICINE and SURGERY in all its branches in this city

OFFICE—NO 129 FRONT STREET over Dr Wendling's Drug Store.

Office Hours from 10 A M to 2 P M, and in the evening

N B—The partnership between Drs HAWTHORNE & LORYEA in the Insane Asylum and County Hospital is discontinued

J B MITCHELL, JOSEPH S DOLPH

MITCHELL & DOLPH,
ATTORNEYS & COUNSELORS AT LAW
Solicitors in Chancery,
AND PROCTORS IN ADMIRALTY
Collections made and promptly remitted
OFFICE on Lower floor of the POST OFFICE

EAGLE BAKERY,

Corner of First and Taylor sts.

SHARFF & CLAPP,
Keep constantly on hand at Wholesale and Retail
BREAD, PIES CAKES, PILOT BREAD,
Boston, Butter, Sugar and Soda
CRACKERS.

Bread delivered to any part of the city Orders for Crackers, Pilot Bread, &c., from a distance promptly attended to. jly1 dtf

Oysters! Oysters!!

IS STILL THE CRY!

JUST RECEIVED—per *Jenny Clark* and *Pilot*
50 SACKS
Mr. Warren's Cultivated South Bay Oysters.

THE FINEST AND LARGEST OYSTERS which have been in market this season Packed up in every style to all buyers at

F. DEKUM'S
CONFECTIONER AND OYSTER SALOON,
nov12 First street

New Books!

CARAVANSACHA Journal d'Esquisses dessinées dans l'Asie Mineure, Constantinople, Brousse, Smyrne, Ephèse, Tralles, Magnésie du Sipyle, Thyatire, Sardes, Philadelphie, Laodicée, Colosses, Hierapolis, Pergame, Troade, Alexandrie, Rhodes, Chypre, Beyrouth, Damas, Balbek, Tripoli, Alep, Antioche, Tarse, Iconium, Cilicie, Pamphylie, Pisidie, Lycie, Carie, Lydie, Mysie, Bithynie, Phrygie, Galatie, Cappadoce, Lycaonie, Isaurie, Pont, Paphlagonie, Arménie, Mésopotamie, Babylonie, Assyrie, Perse, Grèce, Italie, Espagne, Algérie, Tunisie, Egypte, Nubie, Abyssinie, Palestine, Arabie, Inde, Chine, Japon, Amérique, Océanie, Afrique centrale, Pôles, Mers, Fleuves, Montagnes, Déserts, Volcans, Tremblements de terre, Météores, Aurores boréales, Trombes, Cyclones, Simoun, Typhons, Tornados, Ouragans, Tempêtes, Orages, Foudre, Grêle, Neige, Glaciers, Avalanches, Inondations, Sources, Lacs, Cascades, Cataractes, Rapides, Canaux, Isthmes, Détroits, Golfes, Baies, Caps, Presqu'îles, Archipels, Iles, Récifs, Ports, Phares, Naufrages, Pirates, Corsaires, Flibustiers, Boucaniers, Forbans, Négriers, Contrebandiers, Douaniers, Gardes-côtes, Marine militaire, Marine marchande, Navires, Vaisseaux, Frégates, Corvettes, Bricks, Goélettes, Cutters, Sloops, Chaloupes, Canots, Pirogues, Radeaux, Barques, Barcasses, Bateaux, Gabares, Allèges, Remorqueurs, Steamers, Paquebots, Transports, Yachts, Clippers, Packets, Trois-mâts, Brigantins, Brigantins-goélettes, Barques, Barquentins, Barquettes, Bricks, Bricks-goélettes

Marrying a Farmer.

'And so to morrow you leave us' Of Amy little and I think when I saw you wedded to Henry Kingsley, Representative from District New York that he would ever take you to such a home

'And why not my sister' I knew that he was a farmer, and when I promised to be his bride, I expected to be a farmer's wife Nor would I change my lot, if I could I expect to be very happy there All I shall miss will be the loved ones at home and I could not expect to carry them with me to my new home

"But just think of it, sister' You who have been reared so tenderly to work like Aunt Rachel, perhaps I expect it every I come to see you, to find you out milking the cows, or feeding the pigs or at least, in the kitchen, cooking for great, hungry men, who do not know jelly from custard It is too bad Here Nelly broke down and sobbed outright

Amy tried to soothe her by telling her of her noble and kind husband, and that he would not suffer her to be unhappy any where. But she would not be comforted, and when she met her brother in law at tea, her eyes were red with weeping She took, too, but little pains to conceal the fact that she thought him a tyrant of the worst kind He ascribed her strange mood to grief at parting with her only sister, and with true delicacy, made no reference to it The next day Amy Kingsley went out from her old home to her new one, and from old and tried friends to new and untried ones

Nelly fretted herself really ill over the fancied unhappiness of her sister And when letters came, bright, glowing letters filled brimming full of happiness she was still unconvinced

"Oh, yes " said she to her mother, "I know how it is She is too noble to complain, and she knew I was so troubled about her"

"But," says the mother, "he sends an invitation, endorsed by her husband, to have you come and see for yourself '

"Oh, I should die in a very little while, I know I should' But for poor dear Amy's sake, I will go and stay as long as I can, if you and papa think best"

They did think it best For the sisters had never been separated before, and poor Nelly was pining sadly The morning on which she was to go, her mother came in and proposed assisting her in packing her trunk

"A trunk, mamma' A travelling bag will be all I shall need to take I can put one dress in that A home dress is all that I shall want"

But Mrs Conway insisted A trunk was nicely packed, and, in due time, accompanied by its fair owner to the residence of Hon. Henry Kingsley

When the first warm greeting was over Nelly looked around in mute surprise at the luxurious surroundings of her sister's Carpets, curtains, mirrors, paintings—and all superior to those in her father's house And then the library' Tiers of the choicest books, reaching from ceiling to floor, were relieved by portraits, maps and statues in every niche and corner "But there must be a skeleton somewhere!" thought obstinate little Nelly, as she followed her to her room; her *own* room, as Nelly insisted on calling it How sweet and pure it was, with its white and blue hangings, and blue and buff carpet, with furniture to match! And then those vases of violets and mignonettes! Amy knew she would miss them, and had placed them there herself

"It is nice, after all, Amy' and I have been silly to worry about you But," and she looked up and down the long, dusty road, edged with green and shaded with trees, "you must be lonesome There is no house near you, and but a few in sight" And the troubled look came back to the young face

"No, Nelly, I am not lonesome I have all the company I wish for, especially now you have come But come, let me assist you in laying aside this traveling dress, and show you into the bath room, and then you must rest, while I go and prepare supper for those 'great and hungry men'"

"Oh then you do have to cook for the men, just as I expected" And the tears came into the poor, tired eyes once more.

"Yes and I eat at the same table with them, too, and I like it '

"There! Did I not tell you so? This comes of marrying a farmer! Poor Aunt Rachel! When I used to pity her so, I did not think my sister would have to drudge in the same manner"

"I do not need a bit of sympathy, I am just as happy as I can be But come rest a little while, and then dress I want you to look your best Did you bring that blue silk I like so well? Oh, yes' he o it is Shall I send Fanny up to help you?"

"No, Amy, if she is your girl, and you must take her place in the kitchen"

"Now, don't fret any more, please' and in half an hour I shall send Fanny

And Fanny came, and her nimble fingers soon convinced Nelly that it was no new employment to her When Nelly entered the parlor, she found her brother in law waiting to receive and welcome her, and then turning, he introduced a brother to her who was standing by his side He was a fine-looking man, of twenty five perhaps, and just the one to make an impression on a loving heart like Nelly's

The tea-bell soon rang, and Nelly, taking Mr Kingsley's arm, went out, dreading the staring eyes of the workmen But the little tea-table was laid for only four, and fairly glistened with its snowy napkins, lucid china, and shining silver Fanny, in a white apron, and with almost as white hands, attended the table, and Nelly gave a little sigh of relief, as her last bugaboo vanished, and chatted, like herself, with her friends

"How do you like us in our new home, Nelly?" said the husband, glancing at Amy "Do we answer your expectations as farmers?"

'Nelly was sure he was *quizzing* her, and answered, with some show of spirit

"I think it is a shame for a man of your talents, and wealth, to bury himself in such a solitary place as this Why, I would not be compelled to pass my days here for the world" The happy couple only laughed and Nelly began to think she was very silly, and laughed too, and wished that she had been a little less demonstrative

After tea the husband proposed a walk in the garden and lane, as within the dwelling the most artistic taste marked every arrangement A perfect wilderness of flowers, and yet not a thing out of place Nelly felt that she would never tire of its beauties but Amy seemed perfectly at home, as Nelly was quite ready to be And said she, glancing at her husband, I shall want her to go with me to milk the cows

'I shall do no such thing The horrid things with their great sharp horns, and ugly feet; I was always afraid of them at Aunt Rachel's One of them came at me once, and I would have hit me I did not scream! Jane chased it away

Aunt said that it was the clover blossoms I had in my hand that she wanted, and not me but I don't think so At any rate, I have had a perfect antipathy to cows and clover blossoms ever since

Henry laughed Well if you are so afraid of cows Amy need not go for them nor to milk them to night

'Nelly knew they were laughing at her again, and looking up she saw a pair of magnificent eyes burning with mirth fixed upon her, and her own eyes and cheeks burned until they pained her As soon as she reached the house she hurried away to her *own* room to give vent to her outraged feelings But Amy suspected her old quickly followed, to find her in tears

'This is too bad Poor tired Nelly — I did not dream that I was grieving you

"O' I do not mind you Amy, nor your husband But that great, overgrown brother, who don't even speak to me, but stared, would I laugh at me all the time—I don't like him one bit

'Oh' don't say so Nelly He is the kindest, best brother in the world You must like him for our sake And now I will tell you about our arrangements here We have a large farm with none of its cares on, at least, I have none The land is all rented to four men with families You can see their pretty cottages from the door all built on the farm Half of the property belongs to Arthur, who lives with us, as you see We keep three servants and they are excellent—attending to everything that servants should attend to

'But where are those great hungry men you spoke of?'

'Did you not see them at table? Henry and Arthur! They are large, and usually hungry"

'And the cows was that too a joke on poor me?'

'Yes, Darling I could not milk a cow any more than you could

"Well I forgive you all, but that brother—I must punish him

"Well, come now we must go down — Have you any new music'

"Some, if mamma has picked it Do you know that I was only going to bring one dress?' But here is the music'

(Court adjourned to meet on)

Ditch Case

Anderson Donelson et al vs Daniel Littlefield et al

This case originated in a controversy between pliffs and defts, as to which had the better right to the water of Elk Creek near Auburn in Baker County A large amount of evidence was taken and the case was presented to Judge Shattuck at Chambers—Geo H Williams for pliffs W W Page for defts We have been furnished with a copy of Judge Shattuck's opinion But for want of room are compelled to omit his summary of the pleadings and evidence, and can only publish that part of his opinion involving the principles upon which the decision was made

* * * * * * * * *

Upon these facts the rights of these parties are to be adjudged

It must be remarked at the beginning, that the claims of these parties are not dependent upon the ownership of the land through which the water flows the decisions in the United States, and in all such claims to the use of water the test of priority must be possession, or actual appropriation —Kelly *vs* Natoma Water Co 6 Cal R 105

Such appropriation must be actual and cannot be constructive because there would be no rule to limit or control it, resting as it must only in intention —*Hobart* and Eddy *vs* Simpson, 3 Cal R 249

Applying this test to this case the plaintiffs clearly have the prior right, for their ditch was completed and the water of the creek was in their possession and used by them full half a month before the defendants had finished their ditch, or used the water for any useful purpose

But it is contended by the defendants that the taking of the water into their ditch some time about the 20th of June for the purpose of "puddling the ditch and determining the grade was in actual appropriation Upon this point the evidence is not clear that the plaintiffs did not as soon as that take the water of the creek in their ditch for the purpose of experiment It is clear that they did so sometime prior to the 23d day of June But if it were certain that the defendants did use the water as stated *to puddle the ditch* before the plaintiffs had taken theirs, it is also certain that the defendants let the water run out of their ditch and flow back through natural channels into Elk Creek again where the plaintiffs found it flowing in its usual manner when their ditch was completed Such use by the defendants would *not of itself* entitle them to any priority of claim For it is the settled law that the right of property in water is only *usufruct to use*—is not in the *corpus* of the water and continues only with its possession When the water had left the possession of the defendants by running out of their ditch, they lost all right to it, and could not reclaim it by virtue of the fact that it *had been* in their possession —Eddy *vs* Simpson 3 Cal R 249, 2 Black Com, 18 Angell on Water Courses 80

But defendants further claim that by *relation* their right extends back to the survey made by Griffin in Nov 1851 and so has priority to that of the plaintiffs Upon this point the authorities bearing upon it in California where the subject has been often discussed are referred to By an examination of these authorities however it will be seen that they proceed cautiously in the application of this doctrine of relation to this class of cases They qualify it by holding that a work of this kind must be begun and prosecuted in good faith that the intention to appropriate water must be clear and unequivocal and be followed up by *due diligence* that it must be carried out in good faith and within a reasonable time

As this doctrine of relation has not been much discussed in this State it deserves a little further examination in reference to this case

Relation is defined to be a doctrine of law by which an act done at one time is considered as having taken place at some former time or date — Bouvier's Law Dict 3001

The rule as stated is this Where there are circumstances favorable to a thing, the right shall be presumed and to that the thing shall have relation

It seems to be an illustration of this axiom and the like that leases of mines contain a provision that they shall have effect from the date of the application for a lease, although the lease may not be delivered for many months afterwards Indeed it is not unusual for the lease to be dated back to the first delivery so as to give effect from that time a judgment at common law had effect by relation from the first day of the term on which it was entered

This doctrine is resorted to in the furtherance of justice to sustain legal proceedings, but never when the result will be to deprive a party of a legal right to which he would otherwise be entitled (2 Ala R 167, cited in 2 Bouvier's Law Dict 300) Indeed in its nature it cannot do as it is true what is in fact false and as applied in many cases like the one now under consideration ought to be allowed with caution and only to prevent injustice

Now how it may apply to cases of this sort A series of acts are necessary actually to appropriate water for mining purposes; these acts are the commencement of the ditch, the diversion of the water, etc These all require time to be employed Between the first act and the intended appropriation the actual enjoyment there must intervene time, labor and expense It would be manifestly unjust in case one had begun such a work in good faith and at great expense was diligently and continuously carrying it on to completion to allow another beginning long after and having full knowledge of the design and expenditure of the first, to deprive him of the enjoyment of his labor by some shorter or more speedily constructed work It would be equally unjust where all have an equal right to appropriate and actual appropriation is the test of right, to allow one to prevent improvements of this kind throughout a large section of country and to deprive large settlements of the benefits of water for mining purposes; from indefinite length of time by merely setting a row of stakes or by breaking ground in one or two places on a pretended route for a ditch while the party so claiming should be traveling about the country in it to prove to the alleged design of making a ditch, but to find better localities for mining

To allow the claim of the defendants would be to dispense with diligence and to establish a rule like the latter above stated

But the defendants insist that the inclemency of the weather and the snow rendered it impracticable for them to prosecute their work with any greater diligence than they did and that they did all that could be required of them

The answer to this is that their ditch was a more favorable locality for working in the spring than that of the plaintiffs, and while plaintiffs were pushing theirs rapidly on the defendants were either doing nothing upon theirs or were absent at Bear Creek hunting better mines

But there is another aspect of this case of considerable importance, and that is the appearance of abandonment which the defendants by their statements and action held out

It appears from the evidence that the plaintiffs entered upon their work and prosecuted it, under a belief that the defendants would not dig a ditch that season The defendants made statements indicating at least a partial abandonment and the plaintiffs acted upon them, and had made large expenditures before the defendants changed their avowals or course of action

Much effect is claimed by the defendants for the work done on their ditch about the middle of May, but it seems to be entitled to very little consideration in a proper application of the doctrine of relation It does not appear to have been done by the defendants or at their request, or at the expense It was not an act done by the defendants in the regular and ordinary course of prosecuting the original design alleged, to construct a ditch It was the voluntary act of persons at that time interested in mining claims in Griffin's Gulch. It cost the defendants nothing at the time and created no liability by which they would have been bound It cannot be made a bridge to connect the actual possession of the water by the defendants in July, 1862, with the survey in November, 1861.

The defendants are not entitled to claim anything by relation prior to June 14th 1862 when their company was organized, and from which time they followed up their intention with '*due diligence*' Up to that date they had not used such diligence as to constitute an actual appropriation of the water They had done very little, or almost nothing and had been at little of no expense beyond a survey

At that date the plaintiffs had advanced their work far up their line and it was going rapidly on, the expense of the plaintiffs at that date had also been heavy, and all apparently in good faith, and in part at least in consequence of the statements and representations which the defendants had themselves made

The equities of the case are in favor of the plaintiffs

As the capacity of the plaintiffs ditch is shown to be at least two hundred and forty inches, and not to exceed four hundred inches and as the diversion of the water of Elk creek is a continuing injury and damage a perpetual injunction ought to be granted restraining the defendants and all persons acting under them or claiming under or through them from diverting the waters of Elk creek above the ditch of the plaintiffs in any manner so as to prevent the plaintiffs from receiving and using in their ditch at any season less than two hundred and forty inches of water through the whole length of their ditch

Damages are not specifically prayed and none are awarded in this action but the injunction is granted without prejudice to a claim for damages

Decree for perpetual injunction for costs against defendants

DR BAKER'S

PAIN PANACEA.

In the first stage of the disease it will be found an invaluable remedy. In the second stage it will relieve the most excruciating pain, and in the third stage it will never fail to effect a cure. In the fourth stage it will relieve the most excruciating pain, and in the fifth stage it will never fail to effect a cure. In the sixth stage it will relieve the most excruciating pain, and in the seventh stage it will never fail to effect a cure. In the eighth stage it will relieve the most excruciating pain, and in the ninth stage it will never fail to effect a cure. In the tenth stage it will relieve the most excruciating pain, and in the eleventh stage it will never fail to effect a cure. In the twelfth stage it will relieve the most excruciating pain, and in the thirteenth stage it will never fail to effect a cure. In the fourteenth stage it will relieve the most excruciating pain, and in the fifteenth stage it will never fail to effect a cure. In the sixteenth stage it will relieve the most excruciating pain, and in the seventeenth stage it will never fail to effect a cure. In the eighteenth stage it will relieve the most excruciating pain, and in the nineteenth stage it will never fail to effect a cure. In the twentieth stage it will relieve the most excruciating pain, and in the twenty-first stage it will never fail to effect a cure. In the twenty-second stage it will relieve the most excruciating pain, and in the twenty-third stage it will never fail to effect a cure. In the twenty-fourth stage it will relieve the most excruciating pain, and in the twenty-fifth stage it will never fail to effect a cure. In the twenty-sixth stage it will relieve the most excruciating pain, and in the twenty-seventh stage it will never fail to effect a cure. In the twenty-eighth stage it will relieve the most excruciating pain, and in the twenty-ninth stage it will never fail to effect a cure. In the thirtieth stage it will relieve the most excruciating pain, and in the thirty-first stage it will never fail to effect a cure. In the thirty-second stage it will relieve the most excruciating pain, and in the thirty-third stage it will never fail to effect a cure. In the thirty-fourth stage it will relieve the most excruciating pain, and in the thirty-fifth stage it will never fail to effect a cure. In the thirty-sixth stage it will relieve the most excruciating pain, and in the thirty-seventh stage it will never fail to effect a cure. In the thirty-eighth stage it will relieve the most excruciating pain, and in the thirty-ninth stage it will never fail to effect a cure. In the fortieth stage it will relieve the most excruciating pain, and in the forty-first stage it will never fail to effect a cure. In the forty-second stage it will relieve the most excruciating pain, and in the forty-third stage it will never fail to effect a cure. In the forty-fourth stage it will relieve the most excruciating pain, and in the forty-fifth stage it will never fail to effect a cure. In the forty-sixth stage it will relieve the most excruciating pain, and in the forty-seventh stage it will never fail to effect a cure. In the forty-eighth stage it will relieve the most excruciating pain, and in the forty-ninth stage it will never fail to effect a cure. In the fiftieth stage it will relieve the most excruciating pain, and in the fifty-first stage it will never fail to effect a cure. In the fifty-second stage it will relieve the most excruciating pain, and in the fifty-third stage it will never fail to effect a cure. In the fifty-fourth stage it will relieve the most excruciating pain, and in the fifty-fifth stage it will never fail to effect a cure. In the fifty-sixth stage it will relieve the most excruciating pain, and in the fifty-seventh stage it will never fail to effect a cure. In the fifty-eighth stage it will relieve the most excruciating pain, and in the fifty-ninth stage it will never fail to effect a cure. In the sixtieth stage it will relieve the most excruciating pain, and in the sixty-first stage it will never fail to effect a cure. In the sixty-second stage it will relieve the most excruciating pain, and in the sixty-third stage it will never fail to effect a cure. In the sixty-fourth stage it will relieve the most excruciating pain, and in the sixty-fifth stage it will never fail to effect a cure. In the sixty-sixth stage it will relieve the most excruciating pain, and in the sixty-seventh stage it will never fail to effect a cure. In the sixty-eighth stage it will relieve the most excruciating pain, and in the sixty-ninth stage it will never fail to effect a cure. In the seventieth stage it will relieve the most excruciating pain, and in the seventy-first stage it will never fail to effect a cure. In the seventy-second stage it will relieve the most excruciating pain, and in the seventy-third stage it will never fail to effect a cure. In the seventy-fourth stage it will relieve the most excruciating pain, and in the seventy-fifth stage it will never fail to effect a cure. In the seventy-sixth stage it will relieve the most excruciating pain, and in the seventy-seventh stage it will never fail to effect a cure. In the seventy-eighth stage it will relieve the most excruciating pain, and in the seventy-ninth stage it will never fail to effect a cure. In the eightieth stage it will relieve the most excruciating pain, and in the eighty-first stage it will never fail to effect a cure. In the eighty-second stage it will relieve the most excruciating pain, and in the eighty-third stage it will never fail to effect a cure. In the eighty-fourth stage it will relieve the most excruciating pain, and in the eighty-fifth stage it will never fail to effect a cure. In the eighty-sixth stage it will relieve the most excruciating pain, and in the eighty-seventh stage it will never fail to effect a cure. In the eighty-eighth stage it will relieve the most excruciating pain, and in the eighty-ninth stage it will never fail to effect a cure. In the ninetieth stage it will relieve the most excruciating pain, and in the ninety-first stage it will never fail to effect a cure. In the ninety-second stage it will relieve the most excruciating pain, and in the ninety-third stage it will never fail to effect a cure. In the ninety-fourth stage it will relieve the most excruciating pain, and in the ninety-fifth stage it will never fail to effect a cure. In the ninety-sixth stage it will relieve the most excruciating pain, and in the ninety-seventh stage it will never fail to effect a cure. In the ninety-eighth stage it will relieve the most excruciating pain, and in the ninety-ninth stage it will never fail to effect a cure. In the one hundredth stage it will relieve the most excruciating pain, and in the one hundred and first stage it will never fail to effect a cure.

If you have pain in the head, take a dose of Dr Baker's Pain Panacea. It will relieve the pain in the head, and in the stomach, and in the bowels, and in the limbs, and in the joints, and in the muscles, and in the nerves, and in the blood, and in the skin, and in the hair, and in the nails, and in the teeth, and in the gums, and in the tongue, and in the throat, and in the lungs, and in the heart, and in the liver, and in the kidneys, and in the bladder, and in the womb, and in the ovaries, and in the testicles, and in the penis, and in the anus, and in the rectum, and in the colon, and in the small intestines, and in the large intestines, and in the duodenum, and in the jejunum, and in the ileum, and in the cecum, and in the appendix, and in the vermiform appendix, and in the ascending colon, and in the transverse colon, and in the descending colon, and in the sigmoid flexure, and in the rectum, and in the anus, and in the perineum, and in the scrotum, and in the penis, and in the testicles, and in the vas deferens, and in the epididymis, and in the prostate gland, and in the urethra, and in the bladder, and in the ureters, and in the kidneys, and in the renal pelvis, and in the renal calyces, and in the renal papillae, and in the renal cortex, and in the renal medulla, and in the renal capsule, and in the renal fascia, and in the perirenal fat, and in the renal vessels, and in the renal nerves, and in the renal lymphatics, and in the renal veins, and in the renal arteries, and in the renal artery, and in the renal vein, and in the renal nerve, and in the renal lymphatic, and in the renal fascia, and in the perirenal fat, and in the renal capsule, and in the renal medulla, and in the renal cortex, and in the renal papillae, and in the renal calyces, and in the renal pelvis, and in the ureters, and in the bladder, and in the urethra, and in the prostate gland, and in the epididymis, and in the vas deferens, and in the testicles, and in the penis, and in the scrotum, and in the perineum